Practitioner's Docket No. 3553                                              *PATENT*

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:     James K. Beriker
Serial No.:               **10/029,483**
Filed:                    December 20, 2001
For:                      A System, Method and Apparatus for Dynamic raffic Management on a
                          Network
Examiner:                 Willett, Stephen H.

**Commissioner for Patents**
**P.O. Box 1450**
**Alexandria, VA 22313-1450**

## TRANSMITTAL OF AMENDED APPEAL BRIEF

1.   In response to the June 4, 2007 Notice of Non-Compliant Appeal Brief, transmitted herewith is an **AMENDED APPEAL BRIEF** in the above application.

2.   A **Request for a Three Month Extension of Time** to October 4, 2007 is hereby requested. Please charge our Deposit Account No. 14-1131 for the fees incurred in this matter.

## CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

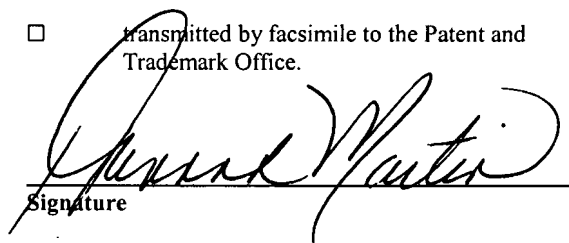I hereby certify that, on the date shown below, this correspondence is being:

| MAILING | FACSIMILE |
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| ■  deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. | ☐  transmitted by facsimile to the Patent and Trademark Office. |

Date:  October 3, , 2007

Signature

Hannah Martin
*(name of person certifying)*

(Transmittal of Appeal Brief—page 1 of 2)

3.    FEE FOR FILING APPEAL BRIEF

The fees for filing the Appeal Brief were previously paid on January 16, 2007.
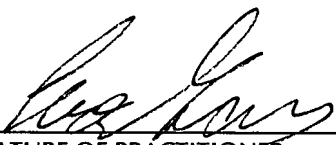
4.    FEE PAYMENT

   Charge Account No. 14-1131 for any additional fees which may be incurred.

56.    FEE DEFICIENCY

   If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 14-1131.

Date: <u>October 3, , 2007</u>

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# IN THE BOARD OF PATENT APPEALS AND INTERFERENCES

| | | | |
|---|---|---|---|
| Applicant: | James K. Beriker | ) | |
| | | ) | |
| Assignee: | Value Click, Inc | ) | |
| | | ) | |
| Serial No.: | 10/029,483 | ) | Group Art Unit: 2142 |
| | | ) | |
| Filed: | December 20, 2001 | ) | Examiner: Willett, Stephan H. |
| | | ) | |
| Provisional Filed: | December 21, 2000 | ) | |
| Provisional SN: | 60/257,695 | ) | |
| | | ) | |
| | | ) | |
| For: | A System, Method and | ) | |
| | Apparatus for Dynamic Traffic | ) | |
| | Management on a Network | ) | Docket No. 3553 |

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

## APPEAL BRIEF

**TABLE OF CONTENTS**

## BRIEF ON APPEAL

**INTRODUCTION**

This is an appeal brief in response to the final rejection dated January 5, 2006 (Exhibit A) and is in furtherance of the Notice of Appeal mailed July 8, 2006 (Exhibit B).

**I.      REAL PARTY IN INTEREST**

The real party in interest is Search123.com, Inc., which is a wholly owned subsidiary of ValueClick, Inc. (publicly traded under ticker symbol VCLK).

**II.     RELATED APPEALS AND INTERFERENCES**

There are no appeals or interferences known to Appellant relevant to these proceedings.

**III.    STATUS OF CLAIMS**

Claims 1-5 are on appeal.

Claims 1-5 (rejected).

**IV.     STATUS OF AMENDMENTS**

Applicant filed an Information Disclosure Statement and an amendment in response to the Examiner's Final Rejection on March 13, 2006 (Exhibit E). In response, on March 30, 2006, the Examiner filed an Advisory Action indicating that for purposes of appeal, the amendment would not be entered. (Exhibit F). Furthermore, the Examiner indicated that he had considered the amendment, but that he believed the amendment did not place the application in condition for allowance. Id.

**V.      SUMMARY OF CLAIMED SUBJECT MATTER**

**(a) General**

The invention relates to an improved traffic management system and method. More specifically, the application claims dynamic traffic management over a network (claims 1

and 5), and where a referral provider provides preferences via traffic management parameters including a designated target location and a set of key search terms (claim 2), and a search referral module which routes traffic to the designated target location (claim 3) and compares a user's search terms to the key search terms from the referral provider (claim 4).

Applicant's independent claim 1 recites a system wherein a referral provider predefines preferences (i.e., traffic management parameters) via the traffic management system in order to dynamically route traffic generated by a user computer's search request transmitted to the referral provider such that the routing of the traffic is dependent upon the search request transmitted by the user computer. The system thus requires: 1) a traffic management system; 2) a referral provider computer; 3) a user computer; 4) a means for establishing an account for the referral provider; 5) at least one traffic management parameter; and 6) a search referral module, which analyses the request from the user computer and dynamically routes the user traffic in response to the user's request.

The support for the traffic management system is shown in Figure 1, figure element 28, while the referral provider computer is Figure 1, figure element 14, and the interaction of the referral provider and traffic management system are shown for instance in figure 1 and discussed, for example, from approximately page 5, line 21, to page 6, line 19, of the specification (Exhibit G). The user computer (Figure 1, figure element 12) is discussed on page 5, lines 10-25, of the specification. (Exhibit G). The system of claim 1 further comprises a means for establishing an account for the referral provider, wherein the account includes an account name, a unique identification and a password. This element is a means plus function element, with structure corresponding to the claim element found

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in the specification, for example at Figure 2 and page 6, line 23, to about page 7, line 6 (discussing the 'Set up Account' button, 'or any other interface that may be suitable'). The claim element for "at least one traffic management parameter" is found at Figure 2 and in the specification at page 7, line 7, to page 9, line 5. Finally, the search referral module, for analyzing the user computer's search request is supported by Figure 2, figure elements 50 and 52 and is discussed in the specification at page 9, line 10 through page 10, line 4.

Claim 2 further limits the traffic management parameters of claim 1 to require at least one designated target location and a set of key search terms. Support for the designated target location (discussing, for example primary target and alternative locations) may be found at Figure 2, figure elements 40 and 42, and is discussed in the specification at page 7, lines 7-29, and page 8, line 25 – page 9, line 5. Support for the key search terms is shown in Figure 2, figure elements 40 and 44, and page 8, lines 7-17, which notes, among other things, that "the key term list generally selected by, or provided to, the referral provider is identical to all of the key terms purchased by third parties (e.g., information providers) from the primary location."

Independent claim 5 is a method claim which requires 1) dynamically managing traffic on a network having a referral provider computer and a user computer; 2) establishing a participant account for the referral provider; 3) defining traffic management parameters; 4) analyzing a search request input by the user computer; and 5) routing traffic to a target location. The support for "dynamically managing traffic" is the same as that cited for the "traffic management system," "referral provider computer," and the "user computer" discussed in reference to claim 1, above. The support for "establishing a participant account" is the same as the "means for establishing an account" as set forth in

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claim 1, above. The support for "analyzing a search request" is found at Figure 2, figure element 50, and is discussed at page 9, lines 10-26. The support for "routing traffic" is at Figure 2, figure element 52, and is discussed at page 9, line 27-page 10, line 4.

The sole means plus function element of the claims is the "means for establishing an account" element of claim 1, and is discussed above.

**(b) Reference to line numbers for independent claims**

*All paragraph reference numbers refer to the published application number 2002/0091879 A1*

Claim 1. A system for providing traffic management on a computer network (**Fig. 1 entire figure, [0010]**), wherein a referral provider (**Fig. 1, ref. 14, [0010]**) and a user computer (**Fig. 1, ref 12**) are in communication via the computer network (**Fig. 1, [0020]**), the referral provider predefining referral provider preferences (**[0032]**) via the traffic management system (**[0010], abstract**) for routing traffic generated (**original claim 1, [0002]**) by the user computer's search request (**[0009], [0026]**) transmitted to the referral provider (**[0010]**), wherein the routing of the traffic is dependent (**original claim 1**) upon the search request (**[0026]**) transmitted by the user computer, comprising:

means for establishing an account for the referral provider (**[0035]**), wherein the account includes an account name, a unique identification and a password (**original claim 1, [0026]**);

at least one traffic management parameter (**[0026]**); and

a search referral module (**[0038]**), wherein the search referral module analyzes the user computer's search request (**[0036]**).

**Defined structure for: "means for establishing an account" Structure defined in [0026] including computer running "traffic management system" (Fig. 1, (28) including structure in [0024])**

Claim 5. A process for dynamically managing traffic on a network having a referral provider computer and a user computer (**Fig. 1, 12**), the user computer communicating with the referral provider computer (**Fig. 1, 14**)

and transmitting a search request to the referral provider computer (**abstract, [0010]**), comprising:

    establishing a participating account (**[0035]**), wherein the account is established by the referral provider (**[0035]**);

    defining traffic management parameters (**0026]**);

    analyzing the search request input by the user computer (**[0036]**); and

    routing traffic to a target location (**[0002], original claim 1**.

## VI.   GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-5 stand rejected under 35 U.S.C. Section 103(a) based on McBrearty (U.S. Patent No. 6,823,491) (Exhibit C) in view of Boyd et al. (U.S. Patent Application No. 2004/0193489) (Exhibit D).

## VII.   ARGUMENT

### A.   Rejection under McBrearty in view of Boyd et al.

The Examiner's rejection of claims 1 and 5, as reflected in the March 30, 2006 Advisory Action, is based upon a misunderstanding of the preambles of those claims in light of current Federal Circuit law.  Specifically, the Advisory Action states that "[a] preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness, but instead, the process steps or structural limitations are able to stand alone." (Exhibit F at p. 2, citation omitted).  Yet, as shown above, the traffic management system, the user computer, and the referral provider computer are all <u>structures</u>, not intended functions.  The preamble is necessary to provide completeness to the claim – for instance, the means for establishing an account requires "the referral provider" which structure is first identified in the preamble and later referred to

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in the body of the claim. Likewise, the preamble provides antecedent basis for the "user computer" structure which is referred to again in the body of the claim in order to make the "search referral module" element complete. Indeed the "traffic management parameters" is incomplete and meaningless absent a "traffic management system" to route or act upon a user computer request. As the Federal Circuit has noted, where, "when read in the context of the entire claim," the preamble "recites limitations of the claim . . or . . . is 'necessary to give life, meaning, and vitality' to" the claim, the preamble language is properly treated as limiting. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305 (Fed. Cir. 1999). Thus, the Applicant's inventions, when the preamble is given any weight, is clearly distinguishable from McBrearty and Boyd et al.

Namely, unlike Applicant's invention, which involves dynamic traffic management over a network, McBrearty addresses the problem of a web surfer who needs quick access to the site-specific search engine of a web site. The example McBrearty gives is the intra-site search engine one might find at http://www.ibm.com. (Exhibit C, figures 1 and 2) McBrearty discloses that sometimes users "enter" a site on a page lacking the site-specific search engine interface. (Exhibit C, figure 6). McBrearty discloses providing a "button" on a web browser that will locate the site-specific engine for presentment to the surfer, or if there is none preexisting on the site, that will present the surfer with a generic one.

While McBrearty does mention ordinary use of the site-specific search engine to perform a search, McBrearty does not disclose dynamic traffic management as claimed by Applicant. Namely, Applicant's claim 1 recites a system wherein a referral provider predefines preferences (i.e., traffic management parameters) for routing traffic generated by a user computer's search request transmitted to the referral provider. McBrearty does

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not disclose a referral provider, or predefining preferences, as claimed. In addition, as the Examiner acknowledged McBrearty lacks a means for establishing an account. (Exhibit A, at p. 3).

The Examiner cites Boyd et al. for its disclosure of details of implementing an account for a referrer. However, Boyd does not disclose establishing an account <u>by a referral provider</u> as claimed. Boyd's disclosed accounts are associated with hosted incentive marketing --- an entirely different field from Applicant's invention having nothing to do with dynamic traffic management in the context of search engines. For example, under Boyd's teachings, the <u>user</u> set up an account to keep track of his "incentive points" (Exhibit D, par. 32). Likewise, a consumer product company might establish an account to keep track of consumer-entered loyalty points. (Exhibit D, at par. 107). Importantly, neither the consumer product company nor the consumer in this context qualifies as a "referral provider" – even the Examiner's own rejection alleges a different third party (Yahoo!) is the referral provider. (Exhibit A, at p. 3) Neither the user nor the consumer product company does anything having the effect of referring a user's network traffic to a third party network location. Thus, neither McBrearty nor Boyd et al., either alone or in combination, suggest the elements required by claims 1 and 5 of the present application.

## B.    Rejection of Claims 2-4

As an additional, but separate basis for reversing the Examiner's rejection of claims 2-4, the applicant submits that the Examiner's understanding and application of McBrearty to the use of "key search terms" is misplaced. Specifically, the specification states the following about such search terms:

> Generally, <u>the key terms chosen or identified by the referral provider are associated with key terms which have been purchased or otherwise provide income to the primary location.</u> In preferred embodiments, <u>the key term list</u>
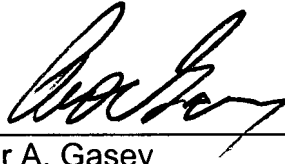
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generally selected by or provided to, the referral provider is identical to all of the key terms purchased by third parties (e.g., information providers) from the primary location. In this manner, the referral provider is substantially guaranteed that all of the traffic directed to the primary location will produce income for the referral provider because all of the key terms have been paid for by information providers (e.g., web masters) whose identification or web location will be given preferential positioning within the result list present to the user.

(Exhibit G, page 8, lines 7-15). In other words, "key search terms" – as defined by the intrinsic record, are terms which have been purchased by a third party or are terms which have been provided and guaranteed by the third party to provide income to the referral provider, in exchange for preferential positions of web listings in response to user searches referencing the same key terms. Again, McBrearty suggests – at most – a site specific direction of traffic, not any "key search terms" which have been paid for by a third party to give a preferential placement of web location in response to user searches having the same key terms. Indeed, with a site specific search function like McBrearty, there would be no suggestion or teaching to develop of system whereby a different, third party would pay for preferential listings of a web location using key search terms. Again, McBrearty simply does not teach or suggest the combination of claim 2 (upon which claims 3-4 also depend).

## VIII. CONCLUSION

McBrearty and Boyd do not result in, or suggest, the claimed inventions of claims 1 or 5, and thus the rejection of the pending claims must be reversed. As an independent reason for reversal, McBrearty and Boyd do not result in, or suggest the use of key search terms for a dynamic traffic management system, and thus the inventions of claims 2-4 must be reversed.

Respectfully submitted,

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Dated: October 3, 2007

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# CLAIMS APPENDIX

1. A system for providing traffic management on a computer network, wherein a referral provider and a user computer are in communication via the computer network, the referral provider predefining referral provider preferences via the traffic management system for routing traffic generated by the user computer's search request transmitted to the referral provider, wherein the routing of the traffic is dependent upon the search request transmitted by the user computer, comprising:

means for establishing an account for the referral provider, wherein the account includes an account name, a unique identification and a password;

at least one traffic management parameter; and

a search referral module, wherein the search referral module analyzes the user computer's search request.

2. A system as claimed in claim 1, the management parameters comprise at least one of a designated target location, and a set of key search terms.

3. A system as claimed in claim 2, wherein the search referral module routes traffic to the designated target location.

4. A system as claimed in claim 2, wherein the search request comprises a set of user defined search terms, and wherein the referral module compares the user defined search terms and the predefined set of key search terms of the management parameters.

5.    A process for dynamically managing traffic on a network having a referral provider computer and a user computer, the user computer communicating with the referral provider computer and transmitting a search request to the referral provider computer, comprising:

establishing a participating account, wherein the account is established by the referral provider;

defining traffic management parameters;

analyzing the search request input by the user computer; and

routing traffic to a target location.

# EVIDENCE APPENDIX

Exhibit A ........................................................................ January 5, 2006 Final Rejection

Exhibit B ........................................................................ July 8, 2006 Notice of Appeal

Exhibit C ........................................................... McBrearty (U.S. Patent No. 6,823,491)

Exhibit D .................................. Boyd et al. (U.S. Patent Application No. 2004/0193489)

Exhibit E ........................................................................March 13, 2006 Amendment

Exhibit F ........................................................................ March 30, 2006 Advisory Action

Exhibit G ........................................................................Specification

There is no evidence submitted pursuant to 37 CFR 1.130, 1.131 or 1.132 of record.

# UNITED STATES PATENT AND TRADEMARK OFFICE

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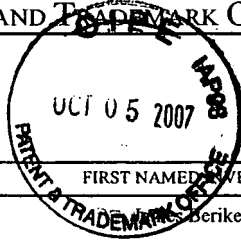
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/029,483 | 12/20/2001 | Beriker | 63030.800US01 | 5460 |

7590    01/10/2006

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| EXAMINER |
|---|
| WILLETT, STEPHAN F |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2142 | |

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/029,483 | BERIKER, JAMES |
| | Examiner | Art Unit |
| | Stephan F. Willett | 2142 |
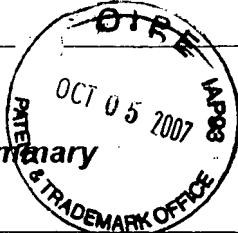
*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on <u>03 October 2005</u>.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-5</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

### *IDS*

1.      The IDS filed on 11/25/02 referenced numerous other documents. The Office does not

have copies of said documents, thus would you please provide copies of the documents listed in

said IDS.

### *Claim Rejections - 35 USC 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.      Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McBrearty

with Patent Number 6,823,491 in view of Boyd et al. with Patent Publication US2004/0193489.

1.      Regarding claim(s) 1, 5, McBrearty teaches a search referral module[Yahoo search

engine] that analyzes[by relevance] the user's search request as the "the search engine then

returns pages", col. 3, line 43-44 based on pages "that appear to be relevant", col. 3, lines 44-45

based on a web browser running on a user's computer and Yahoo Company is the "referral

provider". McBreaty teaches at least one traffic management parameter[user's search terms],

col. 3 lines 40-46. McBrearty teaches the referral mode routes traffic to the designated location

by the search engine, col. 3, lines 48-49.

2.      McBrearty teaches the invention in the above claim(s) except for explicitly teaching

establishing an account for the referral provider, wherein the account includes an account name,

unique identifier and password.

3.      In that McBrearty operates refer a specific site, the artisan would have looked to the

network referral arts for details of implementing an account for a referrer. In that art, Boyd, a

related network application hosting system, teaches "the user would register himself ... to set up

an account", para. 0032, lines 4-6 in order to take advantage of the service provided. Boyd

specifically teaches "user name, ID, password", para. 0092, lines 9-10. Further, Boyd suggests

"the sellers need to register and set up an account", para. 107, lines 3-4 will result from

implementing the service and accounts.

4.      The motivation to incorporate account information insures that the service provider

receives remuneration.

5.      Thus, it would have been obvious to one of ordinary skill in the art to incorporate

establishing an account for the referral provider, wherein the account includes an account name,

unique identifier and password for a user as taught in Boyd into the referral system described in

the McBrearty patent because McBrearty operates with hosting accounts and Boyd suggests that

an account would be used to record the users' data or to enable access to Yahoo services.

Therefore, by the above rational, the above claim(s) are rejected.

6.      Regarding claim(s) 2, McBrearty teaches management parameters comprise designated

target location as a site specific URL and key search terms col. 5, lines 1-4.

7.      Regarding claim(s) 3, McBrearty the referral mode routes traffic to the designated

·location, col. 5, lines 12-14.

8.      Regarding claim(s) 4, McBrearty teaches the search request comprises a set of user

defined terms, col. 4, lines 6-10 and the referral module compares the search terms with

predefined key terms, col. 5, lines 2-6.


### *Response to Amendment*

1.      The broad claim language used is interpreted on its face and based on this interpretation

the claims have been rejected.

2.      In response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., "McBreaty

does not disclose dynamic traffic management as claimed", "predefined preferences", Paper

Dated 10/3/05, Page 23, lines 17-21) are not recited in the rejected claim(s). Although the claims

are interpreted in light of the specification, limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Thus,

Applicant's arguments can not be held as persuasive regarding patentability.

3.      Applicant suggests their application "McBearty does not disclose a referral provider",

Paper Filed 10/3/05, Page 3, line 21. However, McBearty teaches "Yahoo", col. 3, line 42.

Thus, Applicant's arguments can not be held as persuasive regarding patentability.


### Conclusion

9.      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

10.     A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

11.     Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The

examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

12.     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the

organization where this application or proceeding is assigned is (571)273-8300.

13.     Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (571)272-2100.
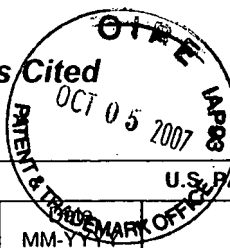
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January 5, 2006

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER